

01

02 FILED ENTERED
LODGED RECEIVED

03

AUG 26 2008

04

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON DEPUTY

05

06

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

07

08

VOLSAINT DOISSAINT,

) CASE NO. C08-0584-MJP

09

Petitioner,

)

10

v.

)

ORDER GRANTING PETITION FOR
WRIT OF HABEAS CORPUS

11

MICHAEL CHERTOFF, et al.,

)

12

Respondents.

)

13

14

The Court, having reviewed petitioner's Petition for Writ of Habeas Corpus, respondents'

15

Motion to Dismiss, petitioner's Cross-Motion for Summary Judgement, all papers and exhibits

16

in support and in opposition to those pleadings, the Report and Recommendation of the

17

Honorable Mary Alice Theiler, United States Magistrate Judge (Dkt. No. 20), Respondents'

18

objections to the Report and Recommendation (Dkt. No. 21), Petitioner's response to those

19

objections (Dkt. No. 22), and the remaining record, does hereby find and ORDER:

20

(1) The Court adopts the Report and Recommendation;

21

(2) Petitioner's Petition for Writ of Habeas Corpus (Dkt. 4) and Cross-Motion for

22

Summary Judgment (Dkt. 16) are GRANTED, and Respondents' Motion to Dismiss (Dkt. 12)

ORDER GRANTING PETITION
FOR WRIT OF HABEAS CORPUS
PAGE -1


01 is DENIED;

02 (3) This matter is REMANDED to the Seattle Immigration Court for the purpose of
03 providing petitioner with an individualized bond hearing within 20 days of the date of this Order.

04 The Immigration Judge is to determine whether and under what conditions petitioner may be
05 released from custody pending petitioner's Petition for Review in the Ninth Circuit Court of
06 Appeals; and

07 (4) The Clerk shall send a copy of this Order to the parties, and to the Honorable Mary
08 Alice Theiler.

09 DATED this 26 day of August, 2008.

10 
11 MARSHA J. PECHMAN
12 United States District Judge
13
14
15
16
17
18
19
20
21
22